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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,911	03/14/2001	Eric Victor Siegel	KAQ-002	4876
959	7590	05/25/2005	EXAMINER	
LAHIVE & COCKFIELD, LLP. 28 STATE STREET BOSTON, MA 02109			PWU, JEFFREY C	
			ART UNIT	PAPER NUMBER
			2143	
DATE MAILED: 05/25/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/808,911

**Applicant(s)**

SIEGEL ET AL.

**Examiner**

Jeffrey C. Pwu

**Art Unit**

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 101*

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-19 and 26-31 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

For a claim to be statutory under 35 USC 101 the following two conditions must be met:

- 1) In the claim, the practical application of an algorithm or idea result in a useful, concrete, tangible result, AND
- 2) The claim provides a limitation in the technological art that enables a useful, concrete, tangible result.

As to the technology requirement, note MPEP Section iV 2(b). Also note In Re Waldbaum, 173USPQ 430 (CCPA 1972) which teaches “useful arts” is synonymous with “technological arts”. In re Musgrave, 167USPQ 280 (CCPA1970), In re Johnston, 183USPQ 172 (CCPA 1974), and In re Toma, 197USPQ 852 (CCPA 1978), all teach a technological requirements.

The invention in the body of the claim must recite technology. If the invention in the body of the claim is not tied to technological art, environment, or machine, the claim is not statutory. Ex parte Bowman, 61 USPQ2d 1665, 1671 (BD. Pat.App. & Inter. 2001) (Unpublished). Also note MPEP 2106 IV 2 (b).

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 16, 27 and 29 are vague and indefinite because it is unclear of the term "non-user party".

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-31 are rejected under 35 U.S.C. 102(e) as being unpatentable over

Cook (US 6,697,806)

Cook discloses:

Claims 1-15,

a method, comprising the steps of:

providing a user profile holding information regarding a user; (592)

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establishing a first set of permissions for the user profile, wherein said first set of permissions specifies who may access the user profile; (1302, 1312, 1316, 1322)

establishing a second set of permissions for a selected sub-division of the user profile, wherein said second set of permissions specifies who may access the sub-division;

(1302, 1304, 1306, 1308,)

receiving a request from a non-user to preference the selected sub-division, the requesting party being specified by the first set of permissions as having access to the user profile and being specified by the second set of permissions as having access to the selected sub-division; (1312; 592, 572)

responding to the request by transmitting the requested information to the requesting party. (1314)

wherein the sub-division is a field. (1402, 1418; fig.14)

wherein the first set of permissions specifies what type of access to the user profile is granted to those who may access the user profile. (928, fig.9)

wherein at least one party is granted read access to the user profile, indicating that the party may read information in the user profile. (fig.13)

wherein at least one party is granted write access to the user profile, indicating that the party may write information into the user profile. (1318)

wherein at least one party is granted availability access to the user profile, indicating that the party may find out whether the user profile is available. (1324)

wherein at least one party is granted delete access to the user profile, indicating that the user may delete information in the user profile. (1320)

wherein the second set of permissions specifies who may access the user profile.  
(1312)

wherein one of the first set of permissions and the second set of permissions contains a list of parties that may access the user profile and the sub-division, respectively. (fig.17, 1712)

wherein defined groups of parties are provided and wherein at least one of the first set of permissions and the second set of permissions specifies one of the groups as having access. (1720)

wherein the user specifies at least one of the first set of permissions and the second set of permissions. ("If the network device 512 is allowed access to the user access profile, the access server 524 then checks if the user is allowed to update their user

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access profile in step 814. If the user is not allowed updates to their user access profile, the access server 524 generates and transmits a profile update not allowed message to the network device 512 in step 816 before returning to step 802. If the user is allowed updates to their user access profile, the access server 524 generates and transmits a user access profile update permission message asking if the user wishes to update the user access profile to the network device 512 in step 818. The access server 524 then checks if the user approved the user access profile update in step 820. If the user does not approve, the access server 524 generates and transmits a user access profile aborted message to the network device 512 in step 822 before returning to step 802")

Claims 16-19,

A method, comprising the steps of:

providing user profiles that hold information regarding users and are accessible via a network; (572)

specifying groups of service providers for providing services to the users, each group containing a set of service providers; ("(45) Access network providers provide user and device sessions in addition to service sessions to distinguish users when providing communication services. A user session is the information associated with a user accessing a network. A device session is the information associated with a device being used to access a network. A service session is the information associated with a service being provided over a network. Service providers distinguish users instead of

access devices or links. This allows multiple users to share a single access device with each user receiving their own customized or preferred services. Advantageously, service providers establish service access rights and restrictions such as preventing adult content for younger viewers or sharing an access device for business and personal use. Also, user, device, and service sessions allow a service provider to group multiple service providers to provide a composite of services to the user similar to a contractor/sub-contractor relationship.”)

granting access permission for authorized information in a selected user profile to a selected one of the groups so that the service providers in the selected group may access the authorized information; and (figs. 8-11)

transmitting the authorized information to a non-user party in said selected one of the groups in response to a request from the non-user party. (1414, 1416, 1418; “sub service”

Claims 20-25,

20. In an electronic device, a method, comprising the steps of: providing a preference management server, said preference management server providing access to a user profile, said user profile having various fields of information, wherein at least one of said fields has associated permissions, said information being stored in a plurality of locations with at least two of the plurality of locations being remotely located from the preference management server and each other; setting the permissions relative to a given service provider so as to prevent access to at least one selected field and grant



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access to at least one given field in the user profile so as to support an anonymous transaction between the given service provider and the user by withholding an identity of the user. (col.11, line 65-col.12, line 12)

wherein the user profile contains a name field holding a name of the user and wherein the selected field is the name field. (col.11, line 65-col.12, line 12)

wherein the user profile contains an address field holding an address field holding an address of the user and wherein the selected field is the address field. (570)

wherein the user profile contains a payment field holding information regarding a payment mechanism and wherein the given field is the payment field. (figs. 5, 20, 21; "Bank Card Access")

wherein the user profile contains a credit card field holding credit card number and wherein the select field is a credit card field. (see "Bank Card Access")

Claims 26-31, (claims are similarly rejected as in claims 1-25)

a method, comprising the steps of: providing a user profile holding information regarding a user in fields, said information being stored in a plurality of locations with at least two of the plurality of locations being remotely located from the user profile and each other; providing a protocol that enables the getting and setting of the following: (i) fields in the

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user profile; (ii) access permissions for the fields in the user profile; (iii) members of groups that have access permissions to selected ones of the fields in the user profile; (iv) group access permissions that specify access information regarding groups; (v) permissions access permissions that specify permissions for the access permissions; and (vi) a schema definition for the user profile.

a method, comprising the steps of:

providing a preference management server, said preference management server providing access to user profile, said user profile referencing information regarding a user, said information being stored in a plurality of locations with at least two of the plurality of locations being remotely located from the server and each other; (524, 554; col.9, line 19-col.10, line 62)

receiving a request for information contained user profile from a non-user party, said request referencing a set of permissions required for access to the user profile; and responding to the request by forwarding the requested information to the requesting non-user party; (fig.22)

wherein the set of permissions required to access the user profile allows the modification of the user profile by the user; wherein the set of permissions required to access the user profile allows the modification of the user profile by a non-user party; providing meta-permissions in the user profile controlling the ability to alter the set of permissions; ("If the network device 512 is allowed access to the user access profile, the ccess server 524 then checks if the user is allowed to update their user access profile in step 814. If the

user is not allowed updates to their user access profile, the access server 524 generates and transmits a profile update not allowed message to the network device 512 in step 816 before returning to step 802. If the user is allowed updates to their user access profile, the access server 524 generates and transmits a user access profile update permission message asking if the user wishes to update the user access profile to the network device 512 in step 818. The access server 524 then checks if the user approved the user access profile update in step 820. If the user does not approve, the access server 524 generates and transmits a user access profile aborted message to the network device 512 in step 822 before returning to step 802”)

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-31 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey C. Pwu whose telephone number is 571-272-6798. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



May 13, 2005

**JEFFREY PWU**  
**PRIMARY EXAMINER**